

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CANDACE SMITH,

Plaintiff,

v.

MCDONALDS INCORPORATED, et al.,

Defendants.

Case No. 1:24-cv-00204-KES-SAB

ORDER VACATING FINDINGS AND
RECOMMENDATIONS RECOMMENDING
DISMISSING ACTION FOR FAILURE TO
COMPLY WITH COURT ORDER AND
GRANTING PLAINTIFF'S APPLICATION
TO PROCEED *IN FORMA PAUPERIS*

(ECF Nos. 7, 10)

Candace Smith ("Plaintiff"), proceeding *pro se* in this action, filed an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 on February 23, 2024. (ECF No. 4.) On February 26, 2024, Plaintiff's application was denied without prejudice, and she was ordered to file a long form application or pay the filing fee within thirty days. (ECF No. 5.) Plaintiff did not comply with the February 26, 2024 order, and on April 8, 2024, findings and recommendations issued recommending this action be dismissed for failure to comply, failure to prosecute, and failure to pay the filing fee. (ECF No. 7.) Plaintiff was informed that she had fourteen days to file objections to the findings and recommendations. (*Id.* at 4.) On April 22, 2024, Plaintiff filed an application to proceed *in forma pauperis* that was denied on April 24, 2024. (ECF Nos. 8, 9.)

On May 6, 2024, Plaintiff filed a long form application to proceed *in forma pauperis*. (ECF No. 10.) Plaintiff's May 6, 2024 application demonstrates entitlement to proceed without

prepayment of fees. Notwithstanding this order, the Court does not direct that service be undertaken until the Court screens the complaint in due course and issues its screening order.

Accordingly, IT IS HEREBY ORDERED THAT:

1. The findings and recommendations filed on April 8, 2024, is VACATED; and
2. The Court GRANTS Plaintiff's May 6, 2024 motion to proceed *in forma pauperis*.

IT IS SO ORDERED.

Dated: June 3, 2024


UNITED STATES MAGISTRATE JUDGE